



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8453

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel RODRIGUEZ-Rodriguez,

IN HABIT Miguel Perez Rodriguez

Defendant.

) Mag. Case No.

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324(a)(1)(A)(ii)

) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about May 20, 2008, within the Southern District of California, defendant Miguel RODRIGUEZ-Rodriguez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Jose Luis CORTEZ-Perez, and "P.R.R." had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 21st DAY OF MAY 2008.

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Miguel RODRIGUEZ-Rodriguez

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by U.S. Border Patrol Agent R. Perez that on May 20, 2008, the defendant, Miguel
7 RODRIGUEZ-Rodriguez, a citizen of Mexico was apprehended near Calexico, California, along
8 with two (2) undocumented aliens from Mexico, in violation of law.

9 On May 20, 2008, U.S. Border Patrol Agents received information that a white Chevrolet
10 Cavalier picked up two suspected illegal aliens north of the International Boundary with Mexico.
11 Agent Perez intercepted the Sedan on Dogwood Road and the access ramps for Interstate 8. As
12 the Sedan passed Agent Perez he was able to see the driver of the sedan, later identified as
13 Miguel RODRIGUEZ-Rodriguez. Agent Perez was able to see the driver acting in a nervous
14 manner. RODRIGUEZ drove the Sedan onto Interstate 8 and Agent Perez followed. Agent
15 Perez noticed the Sedan had no registration plate. Agent Perez drove next to the Sedan and
16 noticed there were some covers in the back seat. It appeared to Agent Perez that there was
17 something underneath them. The vehicle exited the Interstate on Forrester Road and continued
18 north.

19 Using the emergency lights and siren of his assigned Border Patrol Vehicle, Agent Perez
20 attempted to stop RODRIGUEZ and the Sedan. RODRIGUEZ failed to yield. A control tire
21 deflation device was successfully deployed against the Sedan and the Sedan eventually stopped.

22 Agent Perez approached the Sedan and secured RODRIGUEZ. Agent Perez searched the
23 Sedan and encountered two more individuals hiding in the sedan. Agent Perez questioned all the
24 individuals and determined RODRIGUEZ and the other two are citizens of Mexico illegally in
25 the United States. RODRIGUEZ and the others were arrested and transported to the Imperial,
26 California, Border Patrol Station.

27 Agent L. Burrueal read RODRIGUEZ his rights per Miranda. RODRIGUEZ stated he
28 understood his rights and was willing to speak with agents without the presence of an attorney.
29 RODRIGUEZ stated he was the driver of the Sedan and stopped at the New River and picked up
two illegal aliens, which he was going to get paid \$2,000.00 per person.

Material Witnesses Jose Luis CORTEZ-Perez and "P.R.R." stated they made arrangements to be smuggled in Mexicali, Baja California, Mexico, to pay a fee to cross illegally into the United States by using "El Rio Nuevo" and they were picked up near a bridge by a white Sedan. CORTEZ stated when he got into the back of the Sedan he gained access to the trunk and stayed in there until they were arrested. CORTEZ stated it was very hot in the trunk.

CORTEZ and "P.R.R." were shown a six pack photo lineup and "P.R.R." identified photo number six, RODRIGUEZ, as the driver of the sedan

The complainant states that the names of the Material Witnesses are as follows:

| <u>NAME</u> | <u>PLACE OF BIRTH</u> |
|------------------------|-----------------------|
| Jose Luis CORTEZ-Perez | Mexico |
| "P.R.R." | Mexico |

Further, complainant states that Jose Luis CORTEZ-Perez, and "P.R.R." are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.